

## **SECOND/THIRD READING SUMMARY SHEET**

**ZONING CASE NUMBER:** C14-07-0018 (Barton Place)

**REQUEST:**

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 1600 Barton Springs Road from CS, General Commercial Services District, zoning to MF-6-CO, Multi-family Residence–High Density District, zoning.

The ordinance reflects those conditions imposed by Council on 1<sup>st</sup> reading.

**PROPERTY OWNER:** Toomey Road Partners (Susan Toomey Frost)

**AGENT:** Rick Engel

**DEPARTMENT COMMENTS:**

The property is a 3.36 acre site, zoned for commercial use and currently developed with a well-established long-term park for RVs. Surrounding uses are primarily commercial, although there is another RV park adjacent to this one.

Staff supports the request for multi-family highest density-conditional overlay (MF-6-CO) combining district zoning with the conditional overlay limiting the height of the development to a maximum of 75 feet.

**DATE OF FIRST READING/VOTE:**

May 24, 2007/ Approved MF-6-CO on first reading (6-0, Cole-off dias)

**CITY COUNCIL DATE:** July 26, 2007

**CITY COUNCIL ACTION:**

**ASSIGNED STAFF:** Robert Heil

**PHONE:** 974-2330

e-mail address: [robert.heil@ci.austin.tx.us](mailto:robert.heil@ci.austin.tx.us)

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-07-0018 Barton Place

**PC. DATE:** March 13, 2007  
March 27, 2007

**ADDRESS:** 1600 Barton Springs Road

**OWNER:** Toomey Road Partners (Susan Toomey Frost)

**AGENT:** Rick Engel

**ZONING FROM:** CS

**TO:** MF-6-CO

**AREA:** 3.367 acres

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends (MF-6-CO) with the conditional overlay limiting the height of the development to a maximum of 75 feet.

### **PLANNING COMMISSION RECOMMENDATION:**

March 13, 2007: Postponed to March 27 at the request of staff to allow additional time for staff review and to allow more time for discussions between the neighborhood and applicant.

March 27, 2007: Approved staff's recommendation for MF-6-CO zoning with agreement document between the applicant and neighborhood included.

\*Staff and City Legal Department to determine which are private/public restrictive covenants and conditional overlays (9-0); J. Reddy-1<sup>st</sup>, C. Riley-2<sup>nd</sup>.

### **DEPARTMENT COMMENTS:**

The property is a 3.36 acre site, zoned for commercial use and currently developed with a well-established long-term park for RVs. Surrounding uses are primarily commercial, although there is another RV park adjacent to this one.

Staff supports the request for multi-family highest density-conditional overlay (MF-6-CO) combining district zoning with the conditional overlay limiting the height of the development to a maximum of 75 feet.

The representatives of the neighborhood and applicant have been meeting to discuss site development standards on the property. The results of those discussions will be presented at the public hearing.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS and CS-1	RV Park
<i>North</i>	SF-3-NP	Single Family homes
<i>South</i>	GR-NU-CO-NP	Church
<i>East</i>	CS	Restaurants
<i>West</i>	CS and CS-1	Restaurants and Offices

**AREA STUDY:** The property lies within the Zilker Neighborhood Planning Area, which began its neighborhood plan in October 2005.

**TIA:** Not Required

**WATERSHED:** Town Lake

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No **HILL COUNTRY ROADWAY:** No

**REGISTERED NEIGHBORHOOD AND COMMUNITY ORGANIZATIONS**

- Zilker Neighborhood Association
- South Bank Alliance
- Austin Neighborhoods Council
- South Central Coalition
- Save Our Springs Alliance
- Barton Springs/Edwards Aquifer Conservation District

**SCHOOLS: (AISD)**

Zilker Elementary School      O. Henry Middle School      Austin High School

**ABUTTING STREETS:****CITY COUNCIL DATE:**

May 24, 2007:

July 26, 2007:

**ACTION:**

Approved MF-6-CO on first reading (6-0,  
Cole-off the dias)

**ORDINANCE READINGS:** 1<sup>st</sup> 5/24/07      2<sup>nd</sup>      3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Robert Heil

**PHONE:** 974-2330

e-mail address: robert.heil@ci.austin.tx.us





C14-07-0018  
Barton Place  
1600 Barton Springs Road  
From CS to MF-6

## **SUMMARY STAFF RECOMMENDATION**

Staff recommends (MF-6-CO) with the conditional overlay limiting the height of the development to a maximum of 75 feet.

## **BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

1. *The proposed zoning should be consistent with the goals and objectives of the City Council.*

MF-6 zoning would promote the objective of the City Council to provide additional housing opportunities in the desired development zone and central city.

2. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Multi-family highest density (MF-6) is the designation for multi-family group residential use. AN MF-6 district is the designation may be applied to a use in a centrally located area near supporting transportation and commercial facilities, an are adjacent to the central business district or major institutional or employment center, or an area for which the high density multifamily use is desired.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The property is a 3.36 acre site, zoned for commercial use and currently developed with a well-established long-term park for RVs. Surrounding uses are primarily commercial, although there is another RV park adjacent to this one.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Town Lake Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.



At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

### **Transportation**

No additional right-of-way is needed at this time. Additional right-of-way along Toomey Road may be required at the time of site plan.

The trip generation under the requested zoning is estimated to be 1,400 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics). The proposed development of 250 condominiums will generate approximately 1,400 vehicle trips per day.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

### **Existing Street Characteristics:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bus Route</b>	<b>Bike Route</b>
Toomey Road	48'	30'	Collector	No	Yes	No
Barton Springs Road	Varies	Varies	Arterial	Yes	Yes	Priority 2

### **Site Plan**

This project is within the Butler Shores Waterfront Overlay subdistrict. There is a primary setback are located :

- (1) 100 feet landward from the Town Lake shoreline;
- (2) 35 feet south of the southern boundary of Toomey Road;
- (3) 35 feet south of the southern boundary of Barton Springs Road;
- (4) 35 feet north of the northern boundary of Barton Springs Road; and
- (5) 100 feet from the Barton Creek centerline.

There impervious cover limit between the primary and secondary setback in the Waterfront Overlay subdistrict. [Sec. 25-2-731 to 746]. Additional comments will be made at site plan process.

In the North Shore Central, South Shore Central, Auditorium Shores, Butler Shores, and City Hall Waterfront Overlay subdistricts, at least 50 percent of the net usable floor area of a structure adjacent to Town Lake must be used for pedestrian-oriented uses.

**Compatibility Standards**

The site is subject to compatibility standards. Along the south property line, the following standards apply:

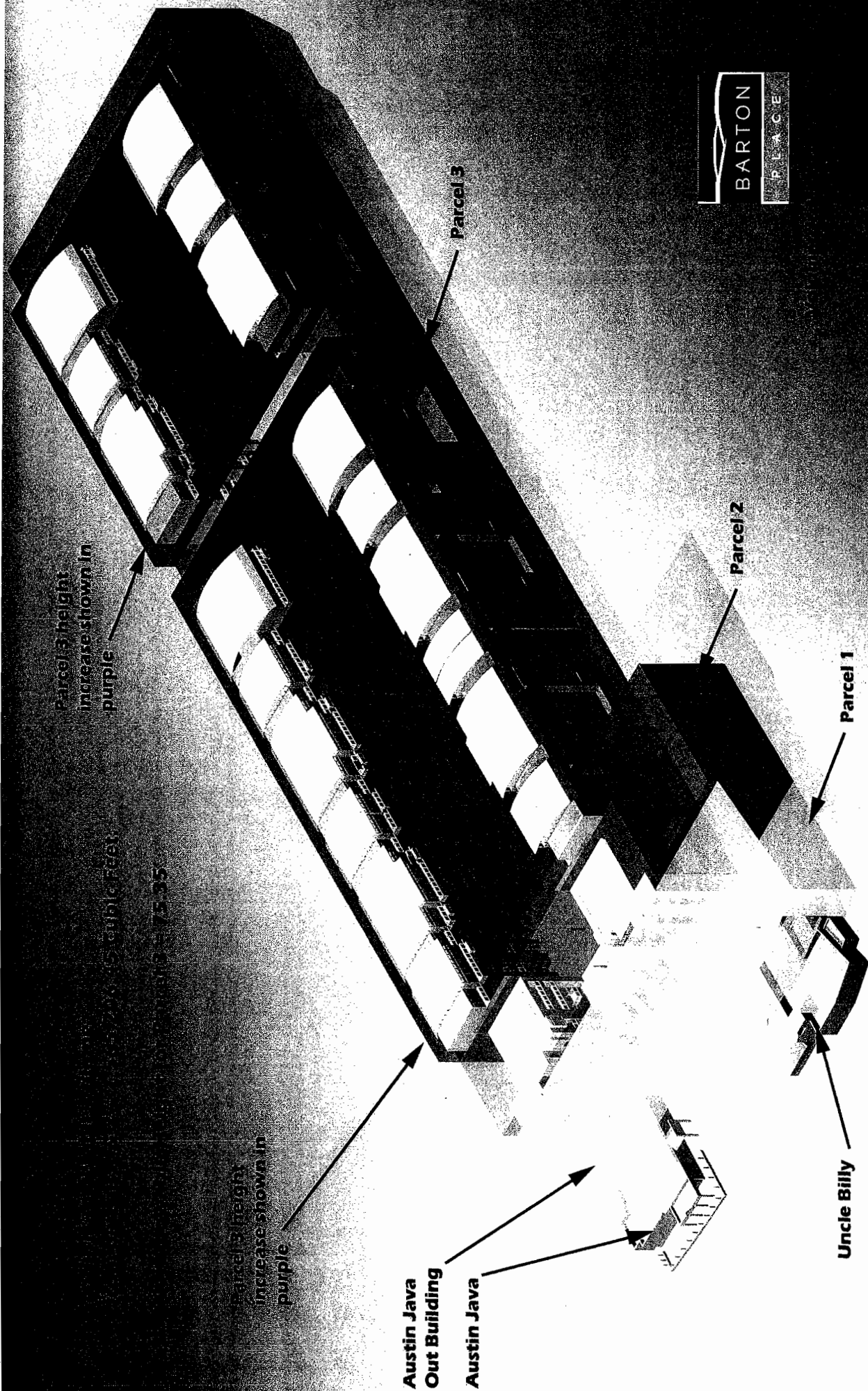
- For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection. Additional design regulations will be enforced at the time a site plan is submitted.

Barton Springs Road is a scenic roadway.

**Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction.





Zilker Neighborhood Association

Re: Barton Place Condominiums  
1608 Barton Spring Road  
Case C14-07-0018

Planning Commissioners

The Zilker Neighborhood Association Executive Committee, on behalf of the membership of our association, met last night to review the final details of the proposed Barton Place Condominium project. After extensive negotiations with the developers and consideration of all the important factors related to this zoning case, the ZNA Executive Committee voted to support the project based on the following stipulations and understanding that final legal instruments codifying this agreement will be provide and approved by all parties prior to this case going before the Austin City Council.

### **Zoning Case**

The applicant is requesting a zoning change from the current Commercial Services zoning (CS) to Multifamily 6 (MF-6). ZNA's support of this zoning change is based on:

1. The buildings will not encroach on the set backs and other provisions established in the current Waterfront Overlay ordinance.
2. The buildings will respect the residential compatibility standards triggered by the residents south of Barton Springs road.
3. The height of the building will be measured from existing grade and that grade can not be increased due to man made improvements.
4. A public access easement will be dedicated across the area of this zoning case to provide both pedestrian and bike access from Barton Springs Road to Toomey road.
5. In the area of the zoning case, the 57 inch 300 year old pecan tree in the center of the site, along with three other pecan trees in the Toomey Road WO setback, will remain and be maintained. In additon five other pecan trees on site will be moved to the parkland across Toomey Road. Finally the area above the parking garage will be landscaped with new ornamental trees and associated plantings.
6. The buildings and parking garages adjacent to the 57" pecan tree are being held back to a distance that will protect the tree root ball. This area may be considered as a location for an internal future street for the South Bank area. However the applicant has no responsibility at this point to dedicate or design for a potential through street.

7. The vehicular access to the condominiums will be off Toomey and will not have access to Barton Springs Road, unless such access is required by the City of Austin as part of the site plan review process.
8. The project will conform to the intent of the 1986 Waterfront Overlay Combining District ordinance with regard to granting additional height above the current CS zoning of 60 feet. The total buildable volume for the property will not be increased, however in consideration of the community benefits provided, an internal transfer of development rights will be allowed to the rear of the property. This internal transfer of building volume is limited by the maximum building height of 75 feet. This does not include the 15% of allowable height increase for mechanical or architectural features as allowed by the building code.

These provisions shall be included as part of the zoning change approval as a conditional overlay to the requested MF-6 zoning and the applicant will not seek any additional variances from the provisions of the MF-6 zoning

### **Affordable Housing**

In addition to the stipulations noted above, as a community benefit the applicant has agreed to contribute financial assistance to the Zilker neighborhood for affordable housing. The applicants proposal, see attachment, is dependent on working with the City of Austin with regard to certain fee waivers and expedited review. In exchange the applicant will provide between \$500,000 to \$1,000,000 in funds to the City of Austin affordable housing trust fund to be spent in the Zilker neighborhood subject to consultation with and approval of the Zilker Neighborhood Association.

### **Restrictive Covenant**

A key factor in ZNA's support of the above noted zoning case, is the applicant's agreement to the following provisions for the portion of the site along Barton Springs Road that is not in the zoning case.

1. The existing eight pecan trees noted in on site parcels 1 and 2 will be retained and maintained by either the developer, the HOA or the restaurant owner/operator.
2. The public access easement noted above for the portion of the tract covered by the zoning case will be extended across the front portion of the tract all the way to Barton Springs Road to allow direct through access from Barton Springs Road to Toomey Road.  
The entire public access easement will be open for public use and will be maintained by the developer or the home owners association for the life of the project.

3. The existing restaurant buildings along Barton Springs Road will be retained to maintain the scale and character of Restaurant Row. Any future development on this portion of the property will be as additions to or ancillary facilities for the existing buildings and will be limited as follows.
  - A. The total buildable volume that is being transferred to the rear of the site, will be deducted from the front of the site as per the attached calculations,
  - B. Any future changes to the existing restaurant buildings will be limited to a maximum height of 20 feet as measured by the building code.
  - C. Any future additions to the existing restaurant buildings will be limited to maximum square footage after the transfer of development rights to the rear of the property. This is estimated be a maximum of 12,000 sq. feet base on the possible two story addition within the allowable 20 feet of height.
  - D. Any future improvements either building or parking will not displace any of the existing trees or negatively impact their root ball area.
4. The applicant will not seek any variances from this agreement without mutual approval of both parties.
5. The applicant will provide to the Zilker Neighborhood Association either a letter of credit or a bond in the amount of \$50,000 for a period of 20 years, with the option for 5 year extensions as mutually agreed to by both parties. The value of the bond or letter of credit in future years will be adjusted to reflect changes in the Consumer Price Index. These funds are to be made available to ZNA as needed and at their sole descretion to enforce the provisions of the restrictive covenant.

End of Agreement.

The Zilker Neighborhood Association appreciates the applicants willingness to craft an agreement that respects our communities desire to maintain the local services along Barton Springs Road, to retain as much of the existing tree canopy of the pecan grove as possible, address the shortage of affordable housing in the area and to abide by both the current and 1986 Waterfront Overlay ordinances to ensure the protection of the Town Lake corridor.

Thank you for your consideration of this project and our agreement.

Sincerely  
Jeff Jack  
ZNA President

## **Barton Place Affordability Proposal**

**To the City of Austin**

**By Constructive Ventures and the Zilker Neighborhood Association**

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Barton Place will consist of six stories of residential condominiums above two levels of structured parking, one above and one below grade.

Rezoning from CS to MF6 will allow Barton Place a building height of 75 feet – 15 feet over the existing CS zoning. By restricting new development to only 2/3 of the property, Barton Place permanently preserves restaurant row along Barton Springs Road.

Barton Place complies with the Town Lake Overlay Ordinance with a 35 foot setback from Toomey Road and a 35 foot setback from Barton Springs Road.

Barton Place complies with neighborhood Compatibility Standards.

The 'potential' square footage lost by preserving the restaurants at the front of the property is greater than the new square footage added by the height increase of 15 feet on the rest of the developable property. This transfer of development rights establishes a positive model for the re-development of the South Bank without losing the character of Restaurant Row.

The 'tree preservation plan' for Barton Place exceeds city requirements and has the support of the city arborist.

In addition to preserving a large number of the native pecan trees on the site, Constructive Ventures will be spending in excess of \$250,000 to transplant trees on city parkland across Toomey Road.

Barton Place will include a dedicated public access through the property connecting the Zilker Neighborhood with the Town Lake Hike and Bike Trail.

All of these community benefits are the result of a successful negotiation between the Constructive Ventures (the developer) and the Zilker Neighborhood Association.

One other recurring goal in all the discussions was affordable housing.

ZNA and Constructive Ventures jointly present the following proposal to the City of Austin:

### **Affordability Option 1:**

<u>City Contribution:</u>	Expedited Review/Permits per SMART HOUSING timelines. <sup>1</sup> \$100,000 value of fee waivers or other in-kind city services.
<u>CVI Contribution:</u>	\$500,000 fee-in-lieu to City when 90% of condominium units are sold to final buyers. <sup>2</sup>

**Affordability Option 2:**

City Contribution:

Expedited Review/Permits per SMART HOUSING timelines.<sup>1</sup>

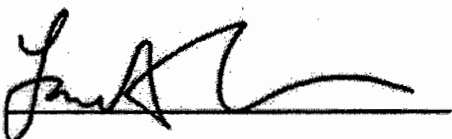
\$300,000 value of fee waivers or other in-kind city services.

CVI Contribution:

\$1,000,000 fee-in-lieu to City when 90% of condominium units are sold to final buyers.<sup>2</sup>

Both of these options offer a significantly larger contribution to affordable housing than any other development project to date.

We hope the City will take advantage of this opportunity.



Larry Warshaw

*President, Constructive Ventures*



Jeff Jack

*President, Zilker Neighborhood Association*

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Heather Way

*Community Housing Advocate*

1. The project will not be an official SMART Housing project, but will follow the SMART housing permit timelines.
2. Any fee-in-lieu to the City of Austin shall be paid into the City of Austin's affordable housing trust fund and spent inside the boundaries of the Zilker neighborhood to benefit families at or below 60% of the median family income. The expenditures shall be made in consultation with and subject to the approval of the Zilker Neighborhood Association.



**PRELIMINARY ISSUE**

These documents are issued for information review only and are not to be used for construction permit or other construction purposes.  
Architect: Reg. No.:

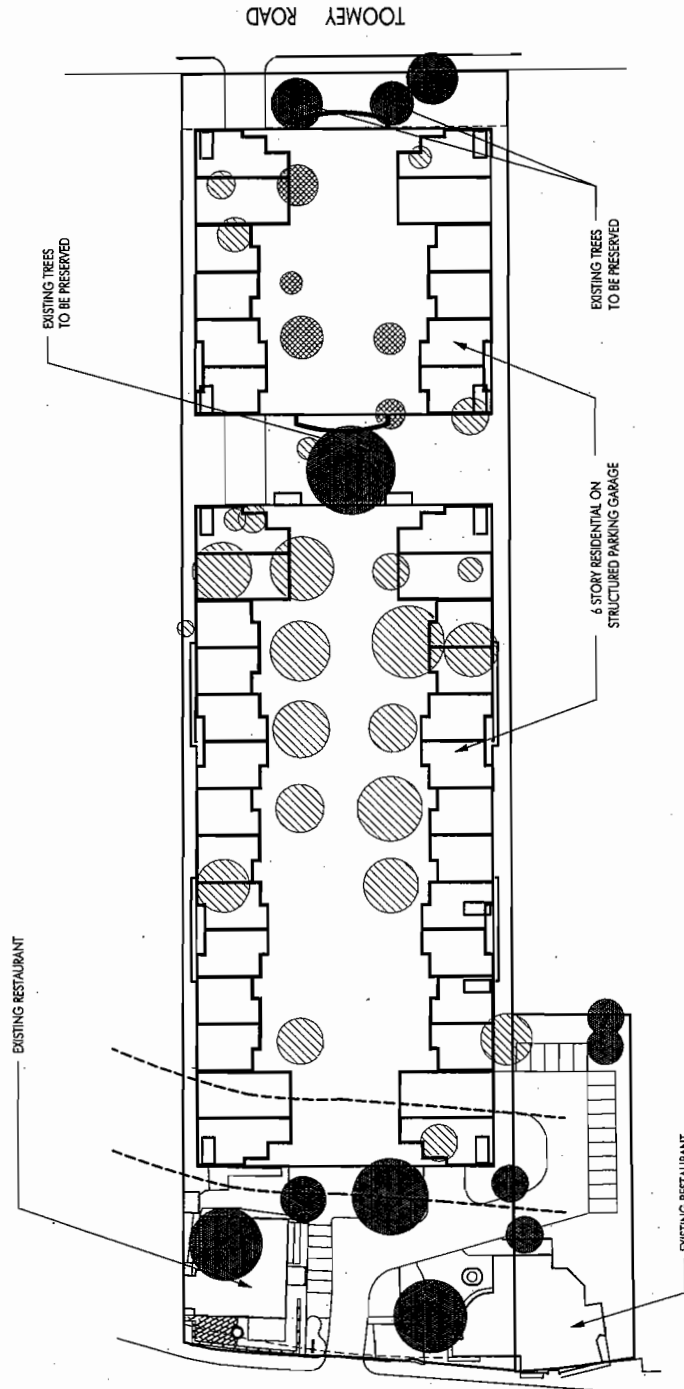
Owner:  
**CONSTRUCTIVE VENTURES**  
18048 Barton Springs Road  
Austin, Texas 78704  
312.479.9338

Project:  
**CONSTRUCTIVE VENTURES**  
BARTON PLACE

These drawings are not to be used for construction without the express written consent of the architect. Any use of these drawings for construction without the express written consent of the architect is strictly prohibited.  
**NOT FOR CONSTRUCTION**

Project number: 2230046135.000  
Date: March 12, 2007

**A0.00**



**PROJECT DATA:**

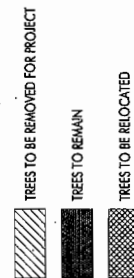
RESIDENTIAL UNIT COUNT = 250 UNITS  
GROSS SQ. FOOTAGE = 306,420 SQ. FT.

**PARKING COUNT:**

PARKING FOR RESTAURANTS = 125 SPACES  
PARKING FOR RESIDENTIAL UNITS = 435 SPACES  
TOTAL PARKING COUNT = 560 SPACES  
PARKING PER UNIT = 1.75 CARS/DWELLING UNIT



**SITE PLAN**  
SCALE: 1" = 30'-0"







P.O. Box 50061  
Austin, Texas 78763

(512) 291-8844  
fax (512) 291-8555

March 20, 2007

Rick Engel  
1710 Evergreen  
Austin, Texas 78704

RE: Trees @ 1608 Barton Springs Road

Dear Rick;

Below are listed the trees that should be removed without regard to the building because of safety concerns. Attached is a drawing with these trees delineated with black dots.

- # 179 - 23" pecan - mutilated by Austin Energy line clearance
- # 780 - 32" pecan - damaged crown with a diseased trunk, poorly shaped by Austin Energy
- #1882 - 12" pecan - stunted, very poor vigor, declining health, severed roots
- # 202 - 34" pecan - hollow trunk, dropping large limbs, extensive decay
- # 792 - 33" pecan - multiple hollows, dropping large limbs, extensive decay
- # 180 - 44" pecan - inverted lowest fork, topped with associated decay
- # 545 - 15" pecan - topped, dropping large limbs
- # 523 - 30" pecan - dropping large limbs, ruined by Austin Energy line clearance
- # 539 - 13" pecan - topped with associated decay
- # 540 - 13" pecan - broken crown as result of topping in past
- # 533 - 8" hackberry - ¾ of trunk decayed
- # 524 - 17" hackberry - a 9 foot stump - crown missing!
- # 529 - 18" hackberry - inverted first fork - high probability of failure
- # 535 - 15" hackberry - rotted/ hollow trunk, *Hypoxylon* canker @ base
- # 553 - 19" hackberry - ½ of trunk already removed, *Hypoxylon* canker @ base
- # 591 - 23" cottonwood - severely restricted root flare on north side of tree
- # 551 - 30" pecan - weeping cankers on trunk, dropping large limbs

Note: On your survey, I found these anomalies:

- # 520 - 21" sycamore (misabeled on survey as a cottonwood)
- #541, #588 listed as unknown are paper mulberry trees.
- #524 is nothing more than a nine-foot stump - labeled as a 17-inch hackberry.

Sincerely;

Pat Wentworth

1707 Virginia Ave  
Austin, TX 78704  
March 21, 2007

City of Austin  
Neighborhood Planning and Zoning Department  
Robert Heil  
P.O. Box 1088  
Austin, TX 78767-8810

RE: Case Number: C14-07-0018

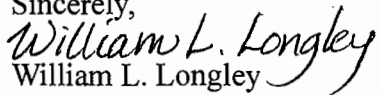
Dear Sir:

With this letter, I oppose the Proposed Zoning Change from CS to MF-6 for the Toomey Road Partners Limited land at 1600 Barton Springs Road.

My residence on Virginia Ave is 800 feet from the proposed development. Within two blocks of this site two large condominium projects are already under construction, which will greatly increase the traffic flow on Lamar Boulevard, Barton Springs Road, and the Barton Heights neighborhood, compromise safety, and increase noise in the area. We are already besieged with traffic, parking, and noise problems from frequent entertainment in Zilker and Auditorium Shores parks as well as restaurant row on Barton Springs Road. An additional large-scale housing development in the immediate area will just compound these problems and add to the malaise of over development of condominium projects in the central portion of the city that is straining traffic, overwhelming infrastructure, and decreasing the livability of existing neighborhoods.

I also object to the proposal the developers of this project are making to add 15 extra feet in height to the project in exchange for "a yet-to-be-determined number of affordable units or give money to an affordable housing project" [quote from Austin American-Statesman, Sunday, March 25, 2007, page A12]. This extra 15 feet of height will place the roof of the project above the level of residences on the northern edge of the Barton Heights neighborhood, blocking views which will have a negative effect on resale values of those residences. The "yet-to-be-determined" affordable units or money for affordable housing offers nothing of advantage to the surrounding neighborhoods since the current development is already affordable housing (trailers and RV's) and will convert affordable to unaffordable housing for the population already served there.

This plan will remove half or more of the trees on the tract and replace them and the area built upon with hard and reflective surfaces, increasing runoff and decreasing surface water quality which is already being compromised with the other large condominium developments in the area.

Sincerely,  
  
William L. Longley

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-07-0018

Contact: Robert Heil, (512) 974-2330

Public Hearing:

March 13, 2007 Planning Commission 6:00 P.M.

Celia Johnston

Your Name (please print)

1607 Virginia Ave 78704

Your address(es) affected by this application

1607 Virginia Ave

Celia Johnston

Date

Comments: Please don't set a precedent!

Dear Mr Heil, Please consider  
not recommending this variance.  
A height increase does limit  
views and increased # of units  
when many projects are in  
planning stage will increase  
traffic. The Zilker area does  
not need this. I feel it's for  
some developer's pocket book.

If you use this form to comment, it may be returned to:  
City of Austin  
Neighborhood Planning and Zoning Department  
Robert Heil  
P. O. Box 1088  
Austin, TX 78767-8810

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)